

**March 5, 2007**  
**Madera County Environmental Health Dept. CUPA**  
**Third Quarterly Response to June 7, 2006 Evaluation**

## **Deficiencies and Corrective Actions**

### **Deficiencies #1, 3, 8**

These deficiencies pertained to Madera County CUPA failure to meet inspection frequencies. We have continued to collect monthly inspection tallies at CUPA staff meetings and eight months into the 06-07 fiscal year we have conducted:

222 HMRRP inspections (annual goal: 126 inspections).

115 Hazardous Waste Generator Inspections (annual goal: 32 inspections).

48 UST Inspections (annual goal: 80 inspections).

It must be noted that the number of facilities that the CUPA regulates for HMRRP and Hazardous Waste Generator is increasing; however we are still on target to meet or exceed our inspection goals. This will enable our staff to concentrate for the next few months on implementing the Ag Handler and CalARP programs noted in Deficiencies #6 and #7.

### **6. Deficiency:**

The CUPA is not implementing and enforcing the requirements of the Business Plan Program for all businesses subject to the requirements of Chapter 6.95, Article 1. Specifically, agricultural handlers have neither been regulated, nor properly exempted from the requirements of the Business Plan program.

### **CUPA Corrective Action:**

During this quarter, the CUPA presented a statement of our intent to implement the agricultural handler part of the Hazardous Material Business Plan Program to the Madera County Board of Supervisors at the February 6, 2007 Board Meeting. We have developed a PowerPoint presentation for agricultural handlers. In a letter sent to the Madera County Farm Bureau the CUPA offered to give our PowerPoint presentation at a Farm Bureau meeting. To this date, the Farm Bureau has not contacted us to arrange a time for our PowerPoint presentation.

The Board letter, an Exemption form and Timeline was provided to John Paine during his visit on January 26, 2007.

Three of our CUPA staff attended the CUPA training conference in February 2007. Specifically, we attended a session on implementation of

the Agricultural Handler program which included presentations by San Benito County CUPA and San Diego County Agricultural Commissioner's office.

We have developed a Business Plan exemption form. We anticipate that many of the Agricultural Handlers in this county will apply for a remote exemption.

We have obtained a list of 926 current pesticide permit holders from the Agricultural Commissioner's office. The list will be divided into thirds. A letter to one third of the permit holders will be mailed by May 1, 2007 asking for a submission of an exemption statement or an HMBP. They will be given until August 1, 2007 to submit the required documents. It is anticipated that the CUPA will give one or two informational sessions to this group, in which we will present our PowerPoint and assist with completion of forms. We will develop templates documents for common chemicals and emergency procedures. The response from the first mailing will determine the schedule for the remaining two thirds of the permit holders. Ideally, we will send another letter to one third by August 1, 2007 and the remaining one third by May 1, 2008, each time allowing approximately three months to complete and return the forms.

#### **7. Deficiency:**

The CUPA is not fully implementing the CalARP Program. RMPs have not been obtained from all participants in the federal RMP program. The CUPA has not fully identified all potential California-only stationary sources, and has done no preliminary risk determinations.

#### **CUPA Corrective Action:**

The CUPA has determined that 22 facilities subject to CalARP have stationary sources in Madera County. The CUPA invoiced all 22 facilities for the CalARP surcharge with the 2007 annual invoice. The CUPA included a brief informational letter with the annual invoice to those new businesses that we have identified as being subject to CalARP.

The CUPA has been invoicing the federal RMP program participants for several years. Of 8 federal RMP participants, we have received 6 updated RMPs, one incomplete RMP, and one failed to submit.

One of our new RMP businesses has invited the CUPA to participate in the Process Safety Management meetings and Process Hazard Analysis that will be conducted in preparation for the RMP. Those meetings will start March 26, 2007 and the expected completion date of the RMP is June 15, 2007.

We have divided the list of remaining CalARP businesses that have not submitted an RMP into thirds. Although the regulations state that a facility be given one year from notification to submit an RMP, we have a list of facilities that were initially notified in 1999, although there was no follow up. Using this date as initial notification, we plan to give one third of the facilities a 6-month deadline for submission, one third a 9-month deadline for submission and one third a one year deadline.

The businesses in the first group will include ammonia refrigeration facilities with the closest proximity to population centers that operate year-round. The third group will be those facilities that do not operate year-round. The rest will be in the second group.

We have developed a CalARP registration form and inspection forms, one for each Program level. We plan to start our inspections in April or May 2007 with facilities that are in Program Level One.

We are developing an internal CalARP checklist to track: initial notification, public notification, RMP review, etc., for each CalARP regulated facility. We are beginning to evaluate the RMPs that have been submitted and are developing a timeline for the review and public notification process.